

Date Signed _____

Defendant: Thomas Rosby
Cause No.: 2:01 CR 13

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IMPRISONMENT

The defendant, **Thomas Rosby**, is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of eighty-seven (87) months. This total term consists of terms of sixty (60) months on each of counts 1, 2, 3, 4, 6 and 7, to be served concurrently, and terms of twenty-seven (27) months on each of counts 8, 9 and 10, to be served concurrently with each other but consecutively to the terms imposed on counts 1, 2, 3, 4, 6 and 7 to the extent necessary to produce a total term of eighty-seven (87) months.

At the defendant's request, the Court recommends that the United States Bureau of Prisons designate F.P.C. Nellis, in Las Vegas, Nevada, to be the place of service of this sentence.

The defendant is remanded to the custody of the United States Marshal.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____
_____, with a certified copy of this Judgment.

United States Marshal

By: _____
Deputy Marshal

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a total term of three (3) years. This total term consists of terms of three (3) years on each count, all such terms to run concurrently. Within 72 hours of release from the custody of the United States Bureau of Prisons, the defendant shall report to the probation office in the district to which the defendant is released.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release, the defendant shall not commit another federal, state or local crime, shall not illegally possess a controlled substance, shall refrain from any unlawful use of a controlled substance, and shall comply with the following standard conditions previously adopted by this Court:

- 1) The defendant shall not leave the judicial district or other specified geographic area without the permission of the Court or Probation Officer;
- 2) The defendant shall report to the Probation Officer and shall submit a truthful and complete written report within the first five (5) days of each month;
- 3) The defendant shall answer truthfully all inquiries by the Probation Officer and follow the instructions of the Probation Officer;
- 4) The defendant shall support his dependents and meet other family responsibilities;
- 5) The defendant shall work regularly at a lawful occupation unless excused by the Probation Officer for schooling, training, or other acceptable reasons;
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances except as prescribed by a physician;
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the Probation Officer;
- 10) The defendant shall permit a Probation Officer to visit him at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the Probation Officer;
- 11) The defendant shall notify the Probation Officer within seventy-two (72) hours of being arrested or questioned by a law enforcement officer;

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- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) As directed by the Probation Officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the Probation Officer to make such notifications and to confirm the defendant's compliance with such notification requirement;
- 14) The defendant shall pay any special assessment imposed; and
- 15) The defendant shall notify the probation officer of any material change in his economic circumstances that might affect his ability to pay any unpaid special assessment.

In addition, the defendant shall comply with the following special conditions:

- 1) The defendant shall not possess a firearm, destructive device, or any other dangerous weapon;
- 2) The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer;
- 3) The defendant shall pay the restitution that is imposed by this judgment in accordance with the court ordered payment of the restitution;
- 4) The defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the court ordered payment of the restitution;
- 5) The defendant shall provide the probation officer with access to any requested financial information;
- 6) The court finds that the following persons have suffered injuries compensable under the Victim and Witness Protection Act in the amounts indicated: A.I. Credit Corporation in the amount of \$1,979,893.00, Anthem Insurance Companies, Inc. in the amount of \$ 4,866,501.00, and Congress Financial Corporation in the amount of \$ 1,800,000.00. It is ordered that the defendant make restitution to such persons totaling \$ 8,646,394.00, except that no further payment shall be required after the sum of the amounts actually paid by all defendants has fully covered all of the compensable injuries. Any payment made by the defendant shall be divided between the persons named in proportion to their compensable injuries; and
- 7) Payment of the restitution shall be due as follows: the restitution shall be due and payable immediately. Payment shall be made to the Clerk of the Court for transfer to A.I. Credit Corporation, Anthem Insurance Companies, Inc., and Congress Financial Corporation..

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FINE

The Court is imposing no fine because of defendant's inability to pay both a fine and restitution.

SPECIAL ASSESSMENT

The defendant must pay to the United States a total special assessment of \$ 900.00, consisting of a special assessment of \$ 100.00 on each count, which shall be paid in full immediately to the Clerk of this Court.